

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

FEB 11 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NATHAN DANIEL DIGGS,

Plaintiff - Appellant,

v.

BOARD OF CORRECTIONS; et al.,

Defendants - Appellees.

No. 13-35017

D.C. No. 1:11-cv-00353-REB

U.S. District Court for Idaho, Boise

ORDER

A review of the district court docket reflects that appellant was permitted to proceed in forma pauperis in the district court, and that such permission has not been revoked to date. Consequently, appellant's forma pauperis status continues in this court. *See* Fed. R. App. P. 24(a). Pursuant to 28 U.S.C. § 1915(b)(1) and (2), however, appellant must pay the full amount of the filing and docketing fees for this appeal when funds are available in appellant's account. Appellant is not responsible for payment when the funds in appellant's prison trust account total less than \$10, but payments must resume when additional deposits are made or funds are otherwise available.

Consequently, within 21 days after the filing date of this order, appellant shall complete and file with this court the enclosed authorization form, which directs the prison officials at appellant's institution to assess, collect, and forward to the court the \$455 filing and docketing fees for this appeal on a monthly basis whenever funds exist in appellant's trust fund account. These fees will continue to be collected regardless of the date or manner of disposition of this appeal. *See* 28 U.S.C. § 1915(b)(2) and (e)(2).

If appellant fails to comply with this order, the appeal may be dismissed by the Clerk. *See* 9th Cir. R. 42-1.

FOR THE COURT:
Molly C. Dwyer
Clerk of Court

Cyntharee K. Powells
Deputy Clerk

PRISONER AUTHORIZATION FORM

I, Nathan Daniel Diggs, am the Appellant in Nathan Diggs v. Board of Corrections, et al, docket number 13-35017.

I understand that I am required by statute to pay the full amount of the \$455 docketing and filing fees for this appeal, regardless of my forma pauperis status, and regardless of the disposition of this appeal. I hereby authorize the prison officials at this institution to assess, collect, and forward to the district court the full amount of these fees, in monthly increments based on 20 percent of the average of deposits to or balance in my prison trust account, subject to the provisions set forth in 28 U.S.C. § 1915(b).

I understand that I am not responsible for payment when the funds in my trust account total less than \$10, but that payments will resume when additional deposits are made or funds are otherwise available.

NAME: Nathan Daniel Diggs
SIGNATURE: _____
DOCKET NO.: 13-35017
PRISONER I.D. NO.: # 39368
ISCI - IDAHO STATE
PRISON FACILITY: CORRECTIONAL
INSTITUTION (BOISE)
ADDRESS: P.O. Box 14
Boise, ID 83707
DATE: _____